

REMARKS

In response to the July 15, 2005 Office Action, Applicants hereby elect, with traverse, Group IV (including claims 9, 15-20, and 22) for prosecution on the merits. Applicants also respectfully request the Examiner to add claim 21 to Group IV for examination on the merits.

Claims 1 and 9-32 are pending, and new claims 33-36 have been added. By this amendment, Applicants have withdrawn, with traverse, claims 1, 10-14, 21, and 23-32. Applicants have also canceled claims 2-8 without prejudice or disclaimer. Applicants reserve the right to pursue these withdrawn or canceled claims in a divisional or continuation application(s).

In addition, Applicants have amended claim 9 by rewriting it in independent form. The amendment to claim 9 is supported at least by original claims 1, 2, and 7.

Applicants have also added new claims 33-36. These new claims are supported at least by paragraphs 91-101 of the specification.

Applicants respectfully submit that the amendments to the claims do not introduce new matter. Accordingly, entry of these amendments is respectfully requested.

Election/Restrictions

On pages 2-3, the Office Action requires Applicants to elect one of the following groups of claims:

- I. claims 10 and 11, allegedly drawn to polypeptide compositions;
 - II. claims 1-6 and 29-31, allegedly drawn to methods of immunization using polypeptide compositions;
 - III. claims 1-8, 12-14, 23, 24, 29, and 32, allegedly drawn to antibody and hybridoma compositions;
 - IV. claims 9, 15-20, and 22, allegedly drawn to immunoassays using antibodies;
- and
- V. claims 25-27, allegedly drawn to methods of passive immunization.

Applicants hereby elect, with traverse, Group IV (including claims 9, 15-20, and 22) for prosecution on the merits. In addition, Applicants respectfully request the Examiner to also examine claim 21. Claim 21 is not included in any group of claims. Because claim 21 depends from claim 19, applicants respectfully request the Examiner to examine claim 21 with Group IV.

MPEP § 803 states “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it

includes claims to independent or distinct inventions.” Without agreeing or disagreeing with the contention that Groups I-V are distinct or independent inventions, Applicants respectfully submit that the search and examination of the claims in Groups I-V do not impose a serious burden upon the Examiner. For instance, all of the claims in Groups I-V are related to PGAs, capsular polypeptides or T cell-independent antigens, antibodies against these molecules, methods of preparing, using or detecting these molecules or their antibodies, vaccines, kits or other compositions including the same, hybridomas producing the antibodies, or other related subject matters. As a consequence, Applicants respectfully request the Examiner to reconsider and withdraw the election/restriction requirement.

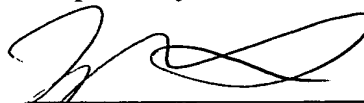
Conclusion

Applicants respectfully request examination of this application in view of the instant reply. Although Applicants believe that no fee is due, the Commissioner is hereby authorized to charge any payment deficiency to deposit account number 19-2380 referring to attorney docket number 031673-003000.

Should the Examiner have any questions, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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Respectfully submitted,



Xu Zhang
Ltd. Rec. No. L0116

Nixon Peabody LLP
Suite 900
401 9th Street
Washington D.C. 2004-2128
Tel: (202) 585-8000
Fax: (202) 585-8080